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Attorneys for Defendants  
FRITO-LAY NORTH AMERICA, INC. and  
PEPSICO, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JESSE HOUGHTAILING,

Plaintiff,

v.

FRITO-LAY NORTH AMERICA, INC., and  
PEPSICO, INC., AND DOES 1 TO 100,  
inclusive,

Defendants.

CASE NO. 3:11-cv-05062-TEH  
Judge: Hon. Thelton E. Henderson

**STIPULATION AND REQUEST TO  
CONTINUE ENTRY OF DISMISSAL;  
~~PROPOSED~~ ORDER GRANTING  
CONTINUANCE**

Action Filed: August 24, 2011  
Removal Filed: October 14, 2011  
Trial Date: None Set

TO THIS HONORABLE COURT:

Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and Defendants Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their counsel, do hereby agree, stipulate, and respectfully request as follows:

1. WHEREAS, on November 19, 2012, the court entered its Order of dismissal, 60 days following, conditioned upon the performance of the settlement agreement or objection by a party;

2. WHEREAS, on February 19, 2013, the Court extended the dismissal deadline to March 18, 2013.

3. WHEREAS, the parties are continuing to finalize the wording of the Release and Settlement Agreement and the consideration has not been exchanged;

4. WHEREAS, the parties have been hampered by certain cross over issues existing in Plaintiff's worker's compensation claim, arising from Plaintiff's employment with Defendant Frito-Lay, and carving the issues out has delayed the parties from resolving ALL of their claims and differences and thus finalizing the agreement; and

5. WHEREAS, the parties believe that they will reach an agreement on those issues, obtain the necessary approval from the Workers' Compensation Appeals Board, and believe they will have a finalized agreement no later than mid-April, 2013;

6. THE PARTIES HEREBY STIPULATE to continue the currently scheduled Dismissal up to and including April 8, 2013, and request the Court to so Order.

IT IS SO STIPULATED.

Dated: March 15, 2013

DuCHARME & COHEN

By s/ James A. DuCharme  
JAMES A. DuCHARME  
Attorneys for Plaintiff  
JESSE HOUGHTAILING

1 Dated: March 15, 2013

VILLARREAL HUTNER & TODD PC

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3 By /s/ Julie Wong  
4 TRACY S. TODD  
5 JULIE WONG  
6 Attorneys for Defendants  
FRITO-LAY NORTH AMERICA, INC.  
and PEPSICO, INC.  
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[~~PROPOSED~~] ORDER

Having considered the foregoing stipulation of the parties, the Court orders the Dismissal in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-TEH, be continued to April 8, 2013, on the same conditions as this Court's Order of November 19, 2012.

IT IS SO ORDERED.

Dated: 03/18, 2013

